

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 532**

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**Introduced by Assembly Member V. Manuel Pérez**

February 15, 2011

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An act to add Section 52052.7 to the Education Code, relating to pupil assessments.

### LEGISLATIVE COUNSEL'S DIGEST

AB 532, as amended, V. Manuel Pérez. Pupil assessments.

Existing law, the Public Schools Accountability Act of 1999, provides a state assessment program for schools, an intervention program for low-performing schools, and a reward system for high-achieving schools, as specified.

This bill would require California's assessments to be valid, reliable, and comparable for pupils who are limited-English-proficient and for pupils with developmental disabilities. The bill would require any primary language assessment developed by the State Department of Education and administered to limited-English-proficient pupils, as identified pursuant to existing law, to be included in the state's assessment system, or in any successor system, and in any measure or index developed or used for the state's federal and state accountability system and any successor system. The bill would also require any successor system to the state's assessment system adopted on or after the effective date of this act to include modifications and accommodations *for limited-English-proficient pupils, as specified.* ~~as specified.~~ *determined by the Superintendent of Public Instruction. The bill would*

*require, if California joins a national testing consortium as a governing state, that the Superintendent recommend to the consortium that a state assessment system include modifications to achievement tests in order to eliminate linguistic complexity.* ~~The~~

The bill would require any advisory committee, work group, task force, and technical assistance group that provides recommendations to the Superintendent of ~~Public Instruction~~ and the State Board of Education on future state and federal assessment and accountability systems to make specified determinations. The bill would require the testing contractor chosen for the purpose of developing the primary language assessments to report to the state board in writing as to how certain requirements regarding validity, reliability, and comparability were met.

The bill would make these provisions operative on July 1, 2012.

This bill would also make various findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The federal No Child Left Behind Act of 2001 (20 U.S.C.  
4 Sec. 6301 et seq.) requires states to test all pupils in a valid and  
5 reliable manner and requires, to the extent practicable, that pupils  
6 with limited English proficiency be tested in the language and  
7 form most likely to yield accurate data on their academic subject  
8 area knowledge.

9 (2) Approximately one of every four pupils enrolled in  
10 California's public schools is identified as a pupil with limited  
11 English proficiency.

12 (3) The current academic assessment system does not allow  
13 pupils with limited English proficiency to accurately demonstrate  
14 their abilities in academic subject areas.

15 (4) Exclusive reliance on academic assessments designed for  
16 native English speakers to gauge the academic progress of pupils  
17 with limited English proficiency violates standards for educational  
18 testing established by recognized national educational institutions,  
19 including the American Educational Research Association, the

1 American Psychological Association, and the National Council  
2 on Measurement in Education.

3 (5) Valid and reliable academic assessment data is critical to  
4 the education accountability system.

5 (6) An accountability system that would yield more accurate  
6 data on the academic ability of pupils with limited English  
7 proficiency is needed for instructional use and to meet federal  
8 requirements.

9 (7) Local educational agencies should not experience negative  
10 consequences solely based on the scores of recent immigrant pupils  
11 on tests that do not provide valid and reliable diagnostic  
12 information about what these pupils know and can do in academic  
13 subject areas.

14 (b) California's current assessment and accountability system  
15 will sunset in 2013 and the development of a new generation of  
16 assessments aligned to the recently approved common core  
17 academic content standards is occurring at the federal level. Thus,  
18 now is the time to comprehensively address the issue of valid and  
19 reliable assessments for limited-English-proficient pupils.

20 (c) It is therefore the intent of the Legislature to bring the system  
21 of assessing the academic progress of pupils with limited English  
22 proficiency into alignment with the requirements of the federal  
23 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),  
24 including the requirement that states test all pupils in a valid and  
25 reliable manner and, to the extent practicable, in the language and  
26 form most likely to yield accurate data on academic ability in  
27 academic subject areas.

28 SEC. 2. Section 52052.7 is added to the Education Code, to  
29 read:

30 52052.7. (a) California's state assessments shall be valid,  
31 reliable, and comparable for pupils who are  
32 limited-English-proficient and for pupils with developmental  
33 disabilities, and the provision of accommodations shall enable  
34 their participation in these state assessments pursuant to the core  
35 assurances of the federal American Recovery and Reinvestment  
36 Act of 2009 (Public Law 111-5).

37 ~~(b) Any successor system to the state's assessment system~~  
38 ~~adopted on or after the effective date of this section shall include~~  
39 ~~modifications to the achievement test administered pursuant to~~  
40 ~~Section 60642.5 in order to eliminate linguistic complexity, to the~~

1 (b) *If California joins a national testing consortium as a*  
2 *governing state, the Superintendent shall recommend to the*  
3 *consortium that a state assessment system include modifications*  
4 *to achievements tests in order to eliminate linguistic complexity,*  
5 *to the extent practicable. The proposed modifications shall be*  
6 *based upon research and be designed to maintain the rigor of the*  
7 *test.*

8 (c) Any successor system to the state assessment system adopted  
9 on or after the effective date of this section shall include  
10 accommodations and modifications for limited-English-proficient  
11 pupils that will allow for meaningful participation in the English  
12 language assessments and that address the unique linguistic and  
13 sociocultural needs of the limited-English-proficient pupil without  
14 altering the test construct. ~~The accommodations and modifications~~  
15 ~~shall include, but not be limited to, all of the following:~~ *The*  
16 *Superintendent, in consultation with persons with demonstrated*  
17 *experience in developing academic assessments specific to English*  
18 *learners, shall determine the accommodations and modifications*  
19 *used in any successor system.*

20 ~~(1) A word-to-word glossary, without definitions, in English~~  
21 ~~and in the top five primary languages spoken by pupils who are~~  
22 ~~English learners as determined by the language census taken~~  
23 ~~pursuant to Section 52164 and submitted to the department by the~~  
24 ~~local educational agencies. The glossary shall include frequently~~  
25 ~~used general academic words as well as discipline-specific words~~  
26 ~~used in the assessments.~~

27 ~~(2) The repetition of test directions if requested by a pupil.~~

28 ~~(3) Translations of the test directions in the five most frequently~~  
29 ~~occurring primary languages spoken by pupils who are English~~  
30 ~~learners as determined by the language census taken pursuant to~~  
31 ~~Section 52164 and submitted to the department by the local~~  
32 ~~educational agencies.~~

33 ~~(d) The department shall provide to the districts the bilingual~~  
34 ~~glossaries prepared pursuant to paragraph (1) of subdivision (c)~~  
35 ~~and the translations of test directions prepared pursuant to~~  
36 ~~paragraph (3) of subdivision (c). The department shall use~~  
37 ~~appropriate federal funds for this purpose.~~

38 (e)

39 (d) (1) Any primary language assessment developed by the  
40 department and administered to pupils identified as

1 limited-English-proficient, pursuant to subdivision (m) of Section  
2 52163 and Sections 52164.1 and 60810, shall be included in the  
3 state's assessment system, or in any successor system, and shall  
4 be included in any measure or index that is developed or used for  
5 the purposes of the state's federal and state accountability system  
6 or any successor system.

7 (2) In addition to being identified as limited-English-proficient  
8 pursuant to subdivision (m) of Section 52163 and Sections 52164.1  
9 and 60810, limited-English-proficient pupils who either receive  
10 instruction in their primary language or ~~are literate in their primary~~  
11 ~~language as determined by the results of the first administration~~  
12 ~~of the primary language assessment pursuant to Section 52164.1,~~  
13 ~~and~~ have been enrolled in a school in the United States for less  
14 ~~than three consecutive years~~ *12 months*, shall be authorized to take  
15 the primary language assessment.

16 ~~(3) Pupils who are not limited-English-proficient and who are~~  
17 ~~enrolled in public schools providing dual language immersion~~  
18 ~~programs shall be authorized to take the primary language~~  
19 ~~assessment.~~

20 (f)

21 (e) (1) Any advisory committee, work group, task force, or  
22 technical assistance group required by the Legislature or the  
23 Governor, or established by the Superintendent or state board for  
24 the purpose of providing recommendations to the Superintendent  
25 and the state board on the future state assessment and accountability  
26 systems and federal accountability system, shall determine all of  
27 the following:

28 (A) How to include primary language assessments and their  
29 scores in the state's assessment system and any successor  
30 assessment system and in the state and federal accountability  
31 system and any successor accountability system.

32 (B) How to modify the state's successor assessment system as  
33 specified in subdivision (b).

34 (C) How to include the accommodations and modifications in  
35 the state's successor assessment system as specified in subdivision  
36 (c).

37 (D) How to provide data on pupils who are English learners,  
38 their program of instruction, and their English proficiency level  
39 as determined by the California English Language Development  
40 Test ~~and how to include this data in the California Longitudinal~~

1 ~~Pupil Achievement Data System developed pursuant to Section~~  
2 ~~60900.~~

3 (E) How to provide disaggregated scores, based on  
4 limited-English-proficient status, English language proficiency  
5 levels, English-only pupils, fluent-English-proficient pupils, and  
6 limited-English-proficient pupils who have been redesignated as  
7 fluent-English-proficient.

8 (2) Any group identified in paragraph (1) shall include persons  
9 with demonstrated expertise in developing academic assessments  
10 specific to English learners and persons with demonstrated  
11 experience in research and data specific to English learners.

12 ~~(g)~~

13 (f) The primary language assessments developed pursuant to  
14 this section shall meet the requirements regarding validity,  
15 reliability, and comparability as specified by the testing standards  
16 jointly developed by the American Psychological Association, the  
17 American Educational Research Association, and the National  
18 Council on Measurement in Education. The testing contractor  
19 chosen for the purpose of developing the primary language  
20 assessments shall report to the state board in writing as to how  
21 these requirements have been met.

22 ~~(h)~~

23 (g) This section shall become operative on July 1, 2012.